

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SJUNDE AP-FONDEN, Individually and
on behalf of all others similarly situated,

Plaintiff,

v.

JOSEPH DEPAOLO, ERIC HOWELL,
FRANK SANTORA, JOSEPH SEIBERT,
SCOTT SHAY, VITO SUSCA, STEPHEN
WYREMSKI, and KPMG LLP,

Defendants.

Civil Action

No. 1:23-cv-01921-FB-JRC

**DECLARATION OF JOHN RIZIO-HAMILTON IN SUPPORT OF
LEAD PLAINTIFF'S OPPOSITION TO THE FDIC'S
MOTION TO DISMISS THE COMPLAINT**

I, John Rizio-Hamilton, declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner at the law firm of Bernstein Litowitz Berger & Grossmann LLP and co-lead counsel for Lead Plaintiff Sjunde AP-Fonden (“AP-7”) in the above-captioned action. I am a member in good standing of the bar of the State of New York and in the Eastern District of New York. I submit this Declaration in Support of Lead Plaintiff’s Opposition to the FDIC’s Motion to Dismiss the Complaint.

2. Attached hereto as Exhibit A is a true and correct copy of a Proof of Claim filed administratively with the FDIC on behalf of AP-7 on July 17, 2023.

3. Attached hereto as Exhibit B is a true and correct copy of a Proof of Claim filed administratively with the FDIC on behalf of the putative class on July 17, 2023.

4. Attached hereto as Exhibit C is a true and correct copy of a notice from the FDIC to AP-7 titled, “Notice of Disallowance of Claim,” dated January 12, 2024.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 2nd day of February, 2024, in New York, New York.

/s/ John Rizio-Hamilton
John Rizio-Hamilton